

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD D. CASITY,

Plaintiff,

v.

TODD RIEBE, *et al.*,

Defendants.

Case No. 2:22-cv-02181-JDP (PC)

ORDER; FINDINGS &  
RECOMMENDATIONS

On May 4, 2023, I screened plaintiff's amended complaint and notified him that his claims were not cognizable. ECF No. 14. I granted him thirty days to file an amended complaint or advisement indicating his intent to stand by his current complaint, subject to a recommendation that it be dismissed. Plaintiff did not respond. Accordingly, on July 5, 2023, I ordered him to show cause within twenty-one days why this action should not be dismissed. ECF No. 15. I warned him that failure to comply with that order would result in a recommendation that this action be dismissed. *Id.* at 2.

The deadline has passed, and plaintiff has not filed an amended complaint or otherwise responded.

Accordingly, it is hereby ORDERED that the Clerk of Court shall randomly assign a District Judge to this matter.

Further, it is hereby RECOMMENDED that:

1       1. This action be dismissed without prejudice for failure to prosecute and failure to  
2 comply with court orders for the reasons set forth in the July 5, 2023 order.

3       2. The Clerk of Court be directed to close the case.

4       These findings and recommendations are submitted to the United States District Judge  
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of  
6 service of these findings and recommendations, any party may file written objections with the  
7 court and serve a copy on all parties. Such document should be captioned “Objections to  
8 Magistrate Judge’s Findings and Recommendations.” Any response shall be served and filed  
9 within fourteen days of service of the objections. The parties are advised that failure to file  
10 objections within the specified time may waive the right to appeal the District Court’s order.

11 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.  
12 1991).

13       IT IS SO ORDERED.

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15       Dated: August 7, 2023

  
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17       JEREMY D. PETERSON  
18       UNITED STATES MAGISTRATE JUDGE

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